

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of REGINALD MARTAIN
WHIGHAM and LINDEN MARTIN WHIGHAM,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

REGINALD WHIGHAM,

Respondent-Appellant.

UNPUBLISHED
July 22, 2003

No. 240788
Wayne Circuit Court
Family Division
LC No. 99-381135

Before: Zahra, P.J., and Talbot and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (g), (j) and (k)(ii). We affirm.

Respondent contends that petitioner failed to present clear and convincing evidence to support termination under the statutory grounds cited. Because respondent had not briefed the merits of the issue, it is deemed abandoned. *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999). Nevertheless, we find that the trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent was unable to provide proper care and custody for the children when they were born and had previously refused to participate in services to improve his parenting ability. Further, the trial court's finding regarding the children's best interests was not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Trejo, supra* at 356-357. Petitioner was not required to prove that respondent would neglect his children for the long-term future as held in *Fritts v Krugh*, 354 Mich. 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich. 426, 444; 505 NW2d 834 (1993). That case predates the enactment of section 19b(3) which sets forth the criteria for termination.

Respondent also contends that the evidence was insufficient to support a finding of termination because petitioner did not provide him a treatment plan. Respondent has not briefed

the merits of the issue or cited any supporting authority and thus is deemed to have abandoned the issue. *Prince, supra.*

Affirmed.

/s/ Brian K. Zahra
/s/ Michael J. Talbot
/s/ Donald S. Owens